

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: : Chapter 11
: Case No. 1-11-47385 (ESS)
OTR MEDIA GROUP INC., :
: Debtor.
: :
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OTR MEDIA GROUP, INC., *et al.*, : Adv. Pro. No. 1-11-01448
: Plaintiffs,
vs. :
: THE CITY OF NEW YORK,
: :
: Defendant.
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**ORDER GRANTING, IN PART, THE CITY OF NEW YORK'S MOTION
FOR AN ORDER DECLARING THAT THE AUTOMATIC STAY DOES NOT
APPLY TO ITS ENFORCEMENT OF ZONING AND BUILDING REGULATIONS**

WHEREAS, on August 25, 2011, OTR Media Group, Inc. filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code; and

WHEREAS, on September 1, 2011, the Debtor and various non-debtor entities initiated this adversary proceeding by filing a complaint; and

WHEREAS, on November 10, 2011, the City of New York filed a motion for an order declaring that Section 362(a) of the Bankruptcy Code does not apply to its enforcement of zoning and building regulations (the “Motion for Relief from Stay”); and

WHEREAS, on November 22, 2011, the Debtor filed an Affirmation in Opposition to the Motion for Relief from Stay; and

WHEREAS, on November 23, 2011, the City of New York filed Reply Declarations of Alan Kleinman and Edward Fortier in support of the Motion for Relief from Stay; and

WHEREAS, on November 29, 2011, the Court held a hearing on the Motion for Relief from Stay at which the Debtor, by counsel, and the City of New York, by counsel, appeared and were heard; and

WHEREAS, at the hearing on November 29, 2011, the Debtor consented, in part, to the relief requested; and

WHEREAS, on November 29, 2011, the Court directed the parties to submit a proposed order on consent; and

WHEREAS, on December 2, 2011, the Court was informed that the parties were unable to reach agreement as to the form of the proposed order; and

WHEREAS, on December 7, 2011, the Court entered an Order scheduling a hearing on the proposed orders submitted by the Debtor and the City of New York; and

WHEREAS, on December 15, 2011, the Court held a hearing on the proposed orders at which the Debtor, by counsel, and the City of New York, by counsel, appeared and were heard.

NOW, THEREFORE, it is hereby

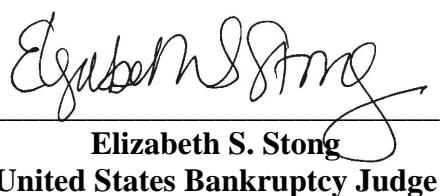
ORDERED, that pursuant to Bankruptcy Code Section 362(d)(4), the automatic stay does not apply to the commencement or continuation of an action or proceeding by the City of New York to enforce its police and regulatory power, including enforcement of a judgment other than a money judgment obtained in an action or proceeding to enforce the Administrative Code, Zoning Resolution, or another law or rule regulating outdoor advertising (the “Sign Laws”) against the Debtor with respect to any sign location presently operated by the Debtor; and it is further

ORDERED, that pursuant to Bankruptcy Code Section 362(d)(4), the automatic stay does not apply to the City of New York’s Department of Building’s issuance of Notice of Violations

citing violations by the Debtor with respect to any sign location presently operated by the Debtor, and that the City of New York may take any appropriate and lawful steps, other than enforcement of a money judgment, to enforce the Sign Laws; and it is further ORDERED, that in accordance with Bankruptcy Code Section 362(e)(1), the automatic stay shall continue in effect to the extent not otherwise adjudicated herein to the contrary.

Dated: Brooklyn, New York
December 16, 2011




Elizabeth S. Strong
United States Bankruptcy Judge